IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.6512 of 2004

Shri Avinash Sampatrao Patil — Petitioner

Vs.

Sharada Co-op. Housing Society Ltd.
and ors. — Respondents

Mr.Sanjeev P. Kadam & Mr.A.P.Patil for petitioner.

Mr.C.R.Sonawane, AGP for Resp.nos.2 and 3.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

November 16, 2006.

P.C.

. Heard Mr.Kadam, the learned counsel for the petitioner and Mr.Sonawane, the learned AGP for the respondent nos.2 and 3.

. The petitioner's application under Section 23(2) of the Maharashtra Co-operative Societies Act, 1960 was allowed by the respondent no.2 vide his order dated 30/11/1999 by directing the respondent no.1 - Society to allot the open space in plot no.5 to the petitioner. The said order was challenged before the respondent no.3 in Revision Application No.66 of 2000 and the revision was dismissed on

15/12/2000. The respondent no.1 - Society approached this Court in Writ Petition No.4749 of 2002 and challenged the orders passed by the respondent nos.2 and 3. After hearing the parties concerned the petition was dismissed by this Court on 11/9/2002. Thereafter the petitioner submitted representations to the respondent no.1 - Society on 9/12/2002, 16/6/2003 and requested it to allot the plot in compliance with the orders passed by the respondent nos.2 and 3 and confirmed by this High Court. As there has been no response from the respondent no.1 - Society the petitioner has approached this Court seeking directions against the respondent nos.2 and 3 to take appropriate steps for directing the respondent no.1 - Society to hand over the plot.

. We direct the respondent no.2 to take due steps to ensure that the plot no.5 (open space) is allotted to the petitioner by the respondent no.1 before 31st December 2006 and if the Society does not comply with the said directions of the respondent no.2, he shall proceed to take penal action against the respondent no.1 - Society as is permissible under the Maharashtra Co-operative Societies Act, 1960 and the Rules framed thereunder.

. The petition is disposed off in terms of the above directions.

. Writ to go forthwith to all the respondents.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)